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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
208

CRM-M No.26745 of 2025
Date of decision: 06.08.2025

Harjinder Singh ... Petitioner

Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Kanwals Walia, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
68	22.04.2025	Sultanpur Lodhi, District Kapurthala	316(2), 319(2), 318(4), 336(2), 338, 336(3). 340(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Jarnail Singh alleging that he was

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intending to buy some agricultural land and had contacted some property dealers. In April 2025, accused Resham Singh while representing himself as a property dealer, proposed purchase of various chunks of land in different villages. The complainant did not find them to be suitable. On 20.04.2025, Resham Singh had again contacted him and had offered a land measuring 26 acres situated in Village Shekhmaga for sale. He had told him that the said land was owned by Sarabjit Singh and Baljinder Singh. On asking of Resham Singh, the complainant along with his family members had visited the said land wherein Resham Singh had introduced him with the owner Sarabjit Singh. They were shown the documents of ownership and agreed for purchase of the said land @Rs.23 lakhs per acre. On demand of Sarabjit Singh, the complainant gave an amount of Rs.50,000/- as advance money. It was agreed that agreement to sell would be executed on 22.04.2025. On that day, Sarabjit Singh and Resham Singh visited his house for that purpose. Charanjeet Singh relative of the complainant was present at that time in whose presence the complainant gave cash amount of Rs.4,50,000/- and three cheques total amounting to Rs.35 lakhs totalling an amount of Rs.40 lakhs to Sarabjit Singh and Resham Singh. They had gone to the Tehsil Complex Sultanpur Lodhi wherein Sarabjit Singh executed an agreement to sell 93 Kanals of land as the remaining 13 acre area of land which was to be purchased by the complainant was in the name of Baljinder Singh,

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brother of Sarabjit Singh, therefore, the complainant had asked Sarabjit Singh and Resham Singh to call Baljinder Singh but the former tried to put off the matter. At the same time, Karanbir Singh resident of Village Pitherahal who was friend of Charanjeet Singh relative of the complainant had also reached there and during the course of conversation told them that the person sitting with them was not the original Sarabjit Singh and the owner Sarabjit Singh and Baljinder Singh were his cousin brothers who were permanently settled in Canada and had given their land on lease. Hearing this, the accused Resham Singh and the second person who had impersonated himself as Sarabjit Singh were perplexed. They were, however, apprehended. Intimation was sent to the police. The abovesaid Sarabjit Singh who was actually Bahadur Singh was formally arrested. He suffered disclosure statement to the effect that he along with the present petitioner and co-accused Harjit Singh and Kehar Singh used forged and fabricated documents with regard to properties of the persons who were either living abroad or residing out of State of Punjab and used to sell such land. On the basis of disclosure statement of Bahadur Singh, the petitioner was nominated as an accused on 29.04.2025. Apprehending his arrest, he moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Kapurthala vide order dated 06.05.2025.

3. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case. He was not the person who had made any inducement to the complainant to purchase some land nor he was the person who had represented himself to be owner of the property which was agreed to be purchased by the complainant. The complainant had not levelled any allegation against him. He was not at all involved in the transaction nor he was the beneficiary thereof. The ingredients for commission of offences of cheating, forgery or use of forged documents have not been established against him at all. Neither there is any material to show that he had hatched any conspiracy with the accused Bahadur Singh and Resham Singh. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. As such, it is urged that he deserves to be extended benefit of pre arrest bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that the petitioner was a co-conspirator with accused Bahadur Singh and he along with the other accused used to commit offences of forgery and cheating. He had even impersonated himself as one Surinder Singh and had produced some documents before bank manager of Canara Bank Branch Sultanpur Lodhi to obtain loan on agricultural land owned by the original Sureider Singh. Further accused Bahadur Singh had disclosed that the petitioner had prepared false UID card on the address of one Paramjit Singh resident of Village Bheela,

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Kapurthala with intent to sell 15 acres of agricultural land owned by the said Paramjit Singh. It is argued that there are serious allegations against the petitioner. His custodial interrogation is must for conducting thorough investigation in the matter and for purpose of eliciting information about his involvement in other cases. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to be a co conspirator with the accused Bahadur Singh to commit offences of forgery and cheating by forging documents and using the same for the purpose of inducing innocent persons to purchase different lands by pretending that the petitioner and others were owners of the same. The petitioner has, however, been involved in this case on the basis of disclosure statement of accused Bahadur Singh. There is no allegation on the part of the complainant that the petitioner had made any inducement to him to part with money or to enter into an agreement to sell land on the basis of forged and fabricated documents or that the petitioner was beneficiary of the transaction. The allegations that the co-accused Bahadur Singh had suffered disclosure statement about involvement of the petitioner in some other cases, cannot be considered for the purpose of this case. Given the nature of the allegations and the above discussed facts and circumstances peculiar to the case, this Court is of the considered opinion that a case is made out in

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favour of the petitioner to extend benefit of pre arrest bail to him. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of one week from the date of passing of this order and joining investigation as and when called upon to do so and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction and complying usual terms and conditions as envisaged under Section 482(2) of BNSS and subject to the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall deposit his passport if any, with the jurisdiction Magistrate/trial Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

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8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No